United Nations A/HRC/39/NGO/92

General Assembly

Distr.: General
31 August 2018

English only

Human Rights Council
Thirty-ninth session
10-28 September 2018
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 August 2018]

* Issued as received, in the language(s) of submission only.

GE.18-14416(E)
1814416

Please recycle

No repatriation without accountability for crimes against humanity in Myanmar

One year after the mass exodus of 750,000 Rohingya from Myanmar, there is no meaningful perspective for a voluntary repatriation of a huge number of refugees who searched for protection from a military offensive against the civilian population and crimes against humanity. On June 7, 2018, the Government of Myanmar and the United Nations agencies signed a Memorandum of Understanding regarding the voluntary repatriation of these refugees. Neither the Government of Myanmar nor the UN agencies have involved and consulted the Rohingya community to clarify under what conditions they could imagine to repatriate. The Rohingya have the right to learn the details of the Memorandum of Understanding because they directly are concerned. However, both parties of this agreement convened to maintain secrecy around the deal which caused much confusion, anger and traumatism among the refugees. Details of the program became known, when parts of the deal were leaked to the public. Instead of participation and transparency, the whole process ignored key demands of the refugees and therefore is doomed to failure.

Previous attempts at repatriation of Rohingya refugees in 1978 and 1991/92 have not included any mechanism for accountability and have encouraged the Government and Military of Myanmar to repeat their massive human rights violations. Although the Muslim community has lived in Myanmar for generations, a 1982 citizen law stripped the Rohingya of their citizenship and made most of them stateless. In the following decades the Rohingya were subjected to widespread discrimination, forced labor and an apartheid-style marginalization. In the Buddhist majority country Rohingya Muslims now are identified as migrants from neighboring Bangladesh. Myanmar Government refers to them as Bengali, not Rohingya.

The restoration of the citizenship rights is perceived by most Rohingya as a precondition for repatriation. The refugees are wondering why they should return without any valuable guarantees of the Government of Myanmar and without any credible attempt by the international community to hold those responsible for crimes against humanity or even perhaps genocide. Their houses in Rakhine State deliberately were destroyed, their rights still are ignored in Myanmar and there is no credible sign of political will among the leadership of Myanmar to respect their basic human rights.

The U.N. High Commission for Human Rights has announced in July 2018 that at least 11,432 Rohingya have fled Myanmar in the first seven months of 2018. The refugees and eyewitnesses have been testifying about persisting violence, burning of houses, persecution and killings of Rohingya in Rakhine State in the first seven months of 2018. No rhetoric can whitewash these facts and figures. Rohingya Muslims still are fleeing their home country because of the denial of basic human rights.

Since the military and cooperating vigilantes have started in August 2017 their massive campaign against ARSA, the armed rebel movement, which claims to fight against the persecution of the Rohingya, Myanmar's security forces and their Buddhist nationalist partners committed nine different types of crimes against humanity, including murder, rape, persecution, torture, enforced disappearances, burning of villages, deportation and forced starvation. Some human rights organizations are convinced that genocide has been committed. Even the U.N. High Commissioner for Human Rights Zeid Ra'ad al-Hussein has expressed this suspicion. Human rights organizations as Amnesty International or Fortify Rights have named dozens of military and police officers for orchestrating these crimes against humanity. There is an urgent need for accountability for these crimes one year after the mass exodus has started. Without justice and human rights, there will be no sustainable solution to the Rohingya crisis, which undermines not only democratization in Myanmar but stability and peace in South Asia.

Society for Threatened Peoples urges the U.N. Human Rights Council to call on the Government of Myanmar:

- to immediately end the persecution of Rohingya people and to provide them basic human rights and citizen rights,
- to ensure that any repatriation attempt will respect the key demands of the refugees and guarantee full transparency and participation of the concerned people,
- to end impunity and to bring those responsible for the crimes against humanity or genocide before court,

Furthermore, the Human Rights Council should urge the international community to strengthen the humanitarian assistance to Rohingya refugees, especially in Bangladesh and to build up more pressure on the Government of Myanmar to respect basic human rights.